

# Senate Bill 200

## Agency Analysis



# Timeline Overview

Feb. 19, 2009	Feb. 20, 2009	Mar. 27, 2009	Apr. 1, 2009	Apr. 3, 2009
Gov. announced TTIA bill	SB200 introduced in Senate	SB 200 rewritten as a House Transportation Committee substitute	SB200 passes House with 91 votes	Senate agrees to House version by a vote of 33 to 22

# Governing Authority of GDOT

## Section 1

- Adds a new position and division to GDOT:
  - Director of Planning (“DP”)
  - Planning Division
- DP is formally made part of the Department
- DP has same powers to hire/fire employees as GDOT Commissioner\*
- \* DP powers limited to Planning Division



# State Transportation Board Per Diem

## Section 2

- Added: “No per diem shall be paid for meetings of the board conducted by conference call.”

# Powers and Duties of State Transportation Board

## Section 3

- Board no longer confirms /rejects appointments of:
  - Deputy Commissioner
  - Chief Engineer
  - Treasurer
  - Assistant Treasurer
- Each appointments serves at the pleasure of the Commissioner, including Treasurer & Asst. Treasurer

# Powers and Duties

## Section 4

- Defines:
    - State-wide strategic transportation plan (“SSTP”)
    - State-wide transportation improvement program (“STIP”)
    - Transportation improvement program (“TIP”)
  - Defines duties of DP and Planning Division
  - SSTP & STIP Approval flow:
    1. Governor
    2. GDOT Board\*
- \*CFR provisions for TIP & STIP approval require only MPO & Gov sign off



# Director and Division of Planning

- Review and make TIP recommendations to Gov.
- Negotiate TIP changes with MPOs
- Review GDOT proposed projects & decide to adopt, remove or otherwise include them in GDOT planning documents
- Develop state-wide strategic transportation plan & state-wide transportation improvement program
- Develop annual capital construction project list
- Issue Rules & Regs to carry out its duties\*

\* **Note:** Rules & Regs must be approved by Senate & House Transportation Committees before promulgation. *Approval impossible unless General Assembly is in session*

# Powers and Duties of Commissioner

## Section 5

- Defines Commissioner's primary responsibility as:

“...the faithful implementation of transportation plans produced by the director of planning and approved by the Governor and State Transportation Board...”



# Powers and Duties of Commissioner

## Section 5

- Commissioner possesses all powers of Dept. except those expressly reserved to Board or DP:
  - Can't approve Bid Lets
  - Can't approve lease agreements
  - Can't exercise any of DP's enumerated powers
- Defines GDOT's org structure, incl. Planning Division
- Commissioner can't create divisions not listed in Bill
- *Expressly states that DP does not have authority over funds allocated for local grants*

# Progress Reports:

Strategic Transportation Plan, Benchmarks, and Value Engineering Studies

## Sections 6 & 7

### SB 200 Reporting Requirements

Due Date	Jul. 31, 2009 (due each odd year)	Oct. 15, 2009	Dec. 31, 2009	Feb. 15, 2010	Feb. – Mar. 2010	Feb. – Mar. 2010	Apr. 10, 2010 (due every 2 years)	Oct. 2010 & Apr. 2011	Semi-annually	Annually	Every 2 years	Every 2 years
Report	STIP projects that afford the greatest gains in congestion mitigation or econ. dev.	Prep of SSTP	Draft SSTP	Comments due on SSTP	Submit Proposed Final SSTP	Submit Governor approved Final SSTP	<b>Final SSTP</b>	Progress report on projects & programs listed in SSTP	Progress report on projects > \$10M against benchmarks by DP	Report on Savings achieved due to VE Studies	Proposed Final STIP	<b>STIP</b>
Due To	GDOT Board	Gov., Lt. Gov., Speaker, Senate & House Trans. Committee Chairs	General Assembly & Gov.	DP	Governor	GDOT Board	Gov., Lt. Gov., Speaker, Senate & House Trans. Committee Chairs	Gov., Lt. Gov., Speaker, Senate & House Trans. Committee Chairs	Gov., Lt. Gov., Speaker, Senate & House Trans. Committee Chairs	Gov., Lt. Gov., Speaker, Senate & House Trans. Committee Chairs	GDOT Board, Gov.	FTA & FHWA
Due From	Commissioner	DP	DP	House & Senate Trans. Committees & Gov.	DP	DP	DP	DP	DP	DP	DP	Governor

# Statewide Strategic Transportation Plan

- SSTEP must:
  - include list of projects expected to begin construction within 4 year
  - Be developed with consideration of 10 listed “investment policies”
- Unclear if SSTEP = federally required 20 year statewide transportation plan
- GDOT will assume it is the same



# Appointment of Division Directors (I)

## Section 8

- Deletes Board confirmation requirements for Deputy Commissioner, Chief Engineer, Treasurer and Assistant Treasurer
- Raises the amount of the fidelity bond to \$500,000 for the DP, Deputy Commissioner, and Treasurer
- Currently \$100,000
- Commissioner's bond stays at \$100,000

# Appointment of Division Directors (II)

## Section 9

- Establishes the position of Director of Planning, who serves at the Governor's pleasure
- Defines DP's responsibilities.
  - Statewide Strategic Plan
  - Statewide Transportation Improvement Program
  - Benchmark, VE Studies
  - Other comprehensive plans

# Public-Private Initiative (I)

## Section 10

- Requires GDOT to evaluate projects to determine appropriate levels of public & private project funding
- *Adds provisions prohibiting GDOT Board members, GDOT Commissioner, or other Constitutional Officers from going to work for, or lobbying on behalf of, GDOT contractors for one year after leaving GDOT*
- Prohibits delegating eminent domain to any private entity



# Public-Private Initiative (II)

- Deletes all existing PPI requirements, including current Evaluation Committee
- Gives Board final approval over GDOT PPI contracts
- Requires all PPIs to be done through *solicited* competitive proposals
- Streamlines PPI code
- New Rules & Regs can't be done until after next General Assembly Session
- Board has decisions to make over existing PPI projects in pipeline

# State Public Transportation Fund Priority of Expenditures

## Section 11

1. To pay the rental on lease contracts
2. To pay debt service
3. To pay the Dept.'s operating costs and for emergencies
4. To pay the costs necessary to comply with federal-aid apportionments to the state
5. ***As directed from time to time by appropriations Acts***
6. After requirements have been met, remainder will be used on public roads

# State Public Transportation Fund

## Section 12

- Planning Division allocates money to 3 programs:
  - State-wide transportation asset management program
  - State-wide transportation asset improvement program
    - Itemized and prioritized project list *whose value equals 10-20% of State Public Transportation Fund*
  - Local maintenance and improvement grant program
    - Equal to 10-20% of State Public Transportation Fund
    - Amount seems to be determined by DP
- Funds distributed by LG Division or by formula
- All GDOT spending data must be posted on website



# GRTA Powers and Duties

## Section 13

- Removes MPO transportation plan negotiation powers from GRTA & places them with DP & GDOT
- Gov may still delegate his TIP & STIP approval authority to GRTA

# Open Issues

- SB200 not signed by Gov yet; if signed takes immediate effect – will know by May 13<sup>th</sup>
- Planning Division can't be activated until DP picked
- GDOT FY2010 Budget & SB200 funding provisions don't align; requires budget amendments
- House Transportation Committee Approval of DP
  - can only occur if Speaker waives House Rule 54.4; otherwise approval can't occur until next session
- *Can work only if DP, Comm. & Board work together*

# GDOT Hierarchy

